

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
February 11, 2004

ITEM: 6

SUBJECT: City of Oceanside: Administrative Assessment of Civil Liability containing a \$9,000 Mandatory Minimum Penalties against the City of Oceanside for violation of effluent limitations established by Order No. R9-2000-0011, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0006, see Document No. 2) (*Rebecca Stewart*)

PURPOSE: The Regional Board will decide whether to accept the City of Oceanside's signed waiver of public hearing and \$9,000 payment in settlement of the allegations in Administrative Civil Liability Complaint No. R9-2003-0387 (Document No. 3).

PUBLIC NOTICE: A public notice was published in the San Diego Union Tribune on November 17, 2003, and posted on the Regional Board web page on November 26, 2003. Public notification for this item was also provided in the "Notification" section of the Regional Board Agenda Notice for the December 10, 2003 meeting. The 30-day public comment period ended on December 21, 2003.

DISCUSSION: On October 10, 2003 the Executive Officer issued Complaint No. R9-2003-0387 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$9,000 against the City of Oceanside for violations of effluent limitations contained in Order No. 2000-11. The effluent limitation violations included one 30-day average oil and grease violation in August 2000, one 30-day average tributyltin violation and one 30-day average mass emission rate tributyltin violation in June 2003. The oil and grease violation is a chronic violation that requires a mandatory minimum penalty of three thousand dollars (\$3,000) in accordance with California Water Code section 13385(i)(1). The tributyltin violations meet the definition of a "serious violation" which requires a mandatory penalty of three thousand dollars (\$3,000) per violation under California Water Code section 13385(h)(1).

Consideration of the factors prescribed in California Water Code section 13385(e), based upon information available to the Regional Board, supports assessment of civil liability pursuant to Water Code sections 13385(h) and (i) in the amount of \$9,000.

On October 24, 2003 the City of Oceanside waived its right to a public hearing and paid the assessment of civil liability proposed in the Complaint.

If the Regional Board does not adopt the tentative Order, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter were received during the 30-day comment period.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map.
- (2) Tentative Order No. R9-2004-0006.
- (3) Waiver of Hearing Form signed October 24, 2003.
- (4) Complaint No. R9-2003-0387 dated October 10, 2003.

RECOMMENDATION: The adoption of tentative Order No. R9-2004-0006 is recommended.